

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW MOSS,

Plaintiff,

-v-

CITY OF NEW YORK, *et al.*,

Defendants.

23 Civ. 1632 (PAE)

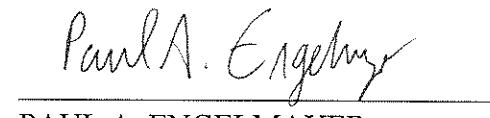
ORDER

PAUL A. ENGELMAYER, District Judge:

At today's initial pretrial conference in this case, the Court heard from both parties as to whether discovery should be bifurcated with respect to plaintiff's *Monell* claim. The Court concludes that efficiency and convenience favor deferring discovery on plaintiff's *Monell* claim until resolution of defendants' anticipated motion for summary judgment on plaintiff's other claims. *See Ricciuti v. N.Y.C. Transit Auth.*, 796 F. Supp. 84, 86 (S.D.N.Y. 1992) (bifurcation of discovery can be ordered to "avoid prejudice," "provide for convenience," or "expedite proceedings and be economical").

Staying discovery of the *Monell* claim for the time being will save the parties time and expense. If the summary judgment motion is granted, the parties will have avoided the need to conduct such discovery altogether; if some claims survive summary judgment, any ensuing *Monell* discovery will be more closely tailored to the surviving claims. *See, e.g., Tabor v. City of New York*, No. 11 Civ. 195 (FB) (CLP), 2012 WL 603561, at *9–11 (E.D.N.Y. Feb. 23, 2012), *report and recommendation adopted*, 2012 WL 869424 (E.D.N.Y. Mar. 14, 2012) (bifurcating *Monell* discovery pending resolution of summary judgment motion).

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

Dated: November 2, 2023
New York, New York